IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 22ND JUNE 2007 / 1ST ASHADHA 1929

Crl.Rev.Pet.No. 567 of 1998

CRL.A.135/1995 OF SESSIONS COURT, KOZHIKODE,
CC.210/1992 OF JUDL. MAGISTRATE OF FIRST CLASS-I, KOZHIKODE.
.....

REVN. PETITIONER/APPELLANT/ACCUSED NO. 2:

SRI. ASHIK,
S/O. KUNJALI,
PUTHIYARA,
KOZHIKODE.

BY ADV. SRI.K.A.SALIL NARAYANAN.

RESPONDENT/RESPONDENT/COMPLAINANT:

STATE OF KERALA, REP.
BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI. C.K. SURESH.

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 22/06/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J.

Crl. R.P. No.567 of 1998

Dated 22nd June, 2007

ORDER

The revision petitioner/A2 stands convicted for the offences under sections 457, 380 and 461 read with 34 IPC and sentenced to undergo R.I for one year and to pay a fine of Rs.500/- for the offence under section 457 IPC; R.I for one year and to pay a fine of Rs.500/- for the offence under section 380 IPC; R.I for 6 months for the offence under section 461 IPC, and in default, to undergo simple imprisonment for 3 months for each of the offences.

2. Counsel for the revision petitioner has sought for invoking the Probation of Offenders Act. It is submitted that the petitioner was aged only 25 at the time of the incident and that 15 years have elapsed since the date of occurrence and commencement of the proceedings. Counsel for the revision petitioner has also submitted that the revision petitioner right now is employed and leading

a peaceful family life.

3. In the circumstances, it is ordered to release the petitioner under section 4 of the Probation of Offenders Act, 1958 on condition that he shall execute a bond for Rs.5,000/- and that the bond shall be executed before the trial court within two months from today. The said bond shall be in force for one year. He shall be released subject to the supervision of a Probation Officer and subject to the conditions as imposed by the Probation Officer. The revision petitioner shall appear before the court below on or before 24-8-2007.

The Crl.R.P is disposed of accordingly.

I

K.R.UDAYABHANU,
JUDGE.

Kvm/-

K.R.UDAYABHANU, J.

CRL.R.P.567 OF 1998the

ORDER

22-6-2007.